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Attorneys for Applicants Path Network, Inc. and Tempest Hosting, LLC

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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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In Re *Ex Parte* Application of

CASE NO. 3:23-MC-80148-JST

Path Network, Inc. and Tempest Hosting, LLC,

12

Applicants.

SUPPLEMENTAL DECLARATION OF MARSHAL WEBB IN SUPPORT OF PATH NETWORK INC. AND TEMPEST HOSTING, LLC'S SURREPLY IN RESPONSE TO RENE ROOSEN AND GAME SERVER KING'S REPLY IN SUPPORT OF ITS CORRECTED MOTION TO INTERVENE AND QUASH, MODIFY, OR STAY EXECUTION OF THE SUBPOENA TO DISCORD, INC.

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1   I, Marshal Webb, declare as follows:

2   1.   I am the founder and Chief Executive Officer of Path Network, Inc. I have been in

3   this role since December 2018. I make this declaration in support of Path Network, Inc. ("Path")

4   and Tempest Hosting, LLC's ("Tempest") Surreply to Rene Roosen ("Roosen") and Game Server

5   King's ("GSK") Corrected Motion to Intervene and to Quash, Modify, or Stay Execution of the

6   Subpoena to Discord, Inc. ("Motion"; "Opposition").

7   2.   I work in the same industry as GSK and Roosen – the data and server hosting and

8   leasing industry. Companies in our industry provide network and computing services to

9   customers, which allows those customers to have an online presence and offer services to their

10   own clients. In this industry, the identity of a company's customers is publicly available.

11   3.   The identity of Roosen's (and GSK's) customers can be found at various locations

12   including, but not limited to, the following web addresses: bgp.tools; battlemetrics.com. On

13   bgp.tools, Roosen's commercial customers' networks (and the identities of those customers) are

14   displayed. On battlemetrics.com, many of Roosen's individual hosting clients are displayed.

15   4.   Bgp.tools and battlemetrics.com contain sufficient information to enable a user to

16   contact the listed customer.

17   5.   Roosen's larger customers appear under the "Downstream" tab of either GSK's

18   page on bgp.tools or that of Cosmic Global, Inc. ("Cosmic Global"), another company owned by

19   Roosen.

20   6.   Bgp.tools does not list any customers on the "Downstream" tab on GSK's page

21   because on or around December 5, 2023 (shortly after the Court issued its November 22, 2023

22   order indicating that, subject to minor edits, the Discord Subpoena would be issued), Roosen

23   moved all of his largest customers from GSK to Cosmic Global.

24   7.   Attached hereto as **Exhibit E** is a true and correct copy of a publicly available

25   website showing when Roosen moved his customers from GSK to Cosmic Global, and showing

26   the identity of those customers.

27   8.   In addition to Roosen's larger customers, Roosen also has smaller customers who

28   do not own their own IP addresses and would not be found on the "Downstream" tab of GSK's

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SUPPLEMENTAL DECLARATION OF MARSHAL WEBB

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1 page on bgp.tools. Instead, those customers rent IP address space from Roosen, and those

2 customers can be seen under the "Prefix" section of GSK's page on bgp.tools.

3   9.   While names are not instantly visible for customers that appear on the "Prefix"

4 section in bgp.tools, the identities of those customers can be found in a variety of ways. One way

5 is to use the listed IP address to find the domain name for the customer. This can easily be done

6 by entering the IP address into a website called securitytrails.com, which provides a list of

7 domain names associated with a particular IP address. The domain name will typically take you

8 directly to the customer's website. If a customer does not have a domain name, that customer is

9 still identifiable by inputting the IP address into battlemetrics.com, which shows who subleases

10 the IP address (i.e., the customer).

11   10.   Attached hereto as **Exhibit F** is a true and correct copy of the "Prefix" section of

12 GSK's page on bgp.tools.

13   11.   Attached hereto as **Exhibit G** is a true and correct copy of pages from the

14 publicly-available website securitytrails.com through which the IP ranges located in the "Prefix"

15 section of GSK's page on bgp.tools can be used to identify its customers.

16   12.   Attached hereto as **Exhibit H** is a true and correct copy of pages from the

17 publicly-available website battlemetrics.com through which the IP ranges located in the "Prefix"

18 section of GSK's page on bgp.tools can be used to identify customers that do not have domain

19 names.

20   13.   For the customers whose contact information (phone number, email, etc.) is not

21 shown directly on bgp.tools, battlemetrics.com, or securitytrails.com, that information is readily

22 accessible through other publicly available sources, like online search engines (Google, Yahoo!,

23 etc.) using the information displayed on bgp.tools, battlemetrics.com, and securitytrails.com.

24   14.   Typically, customers of companies like GSK monetize the server space in some

25 way, including by providing online gaming or website hosting services to clients. It is

26 exceedingly rare that a customer would choose to configure its software to keep its identity and

27 contact information private. This is because the customer can only keep its identity private by

28 disconnecting itself from the internet, which eliminates the customer's ability to engage with its

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own customers or potential customers, thus prohibiting them from monetizing the server. This would be roughly equivalent to owning a restaurant that offers food and drink for purchase, but having no signage out front, locking the doors, and concealing the name, location, contact information and hours from the public. This is particularly true for game server customers (the bulk of GSK's customers), who rely on players finding the games and others with whom to play over the internet.

15.   Virtually all customers in my industry make their identities and contact information accessible on public domains so that they can monetize their businesses. If a customer chose to conceal its contact information and identity, it would need to take affirmative steps to do so. This would include configuring its software to not respond to collection from sites like battlemetrics.com.

16.   A customer's use of Discord (or lack thereof) has no effect on whether its identity is identifiable using the methods described above. Discord is a communication platform that can be used once individuals know or find another, whereas the identity locations and listings described above are necessary to (or unavoidable consequences of) participating in and monetizing the use of the internet. There is no relationship between the two. Participation in a private Discord group will not affect or change the content on any of the listings described above, or the ability to find those listings.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct. Executed on April 11, 2024, at Phoenix, Arizona.

_____
Marshal Webb

SUPPLEMENTAL DECLARATION OF MARSHAL WEBB
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EXHIBIT E

Solution   Ratings   API   Learn   Blog

AS26863

GAMESERVERKINGS

6233rd place in IPv4 score rating

📈 Since last day: +29 position(s)

? place in IPv6 score rating

Overview	
Graph	
Whois	
IPv4 Connectivity	⌄
BGP Neighbors	⌄
Providers	0
Customers	0
Peerings	0
Unspecified	1
Prefixes	18
IPv6 Connectivity	⌄
BGP Neighbors	⌄
Providers	0
Customers	0
Peerings	0
Unspecified	0
Prefixes	0
Internet Exchanges	0
Security issues	⌄
Route Leaks	0
Hijacks	0
Bogons	0
Routing Loops	47
Vulnerable Ports	82
DDoS amplifiers	30

Solution   Ratings   API   Learn   Blog

IPv4 customers
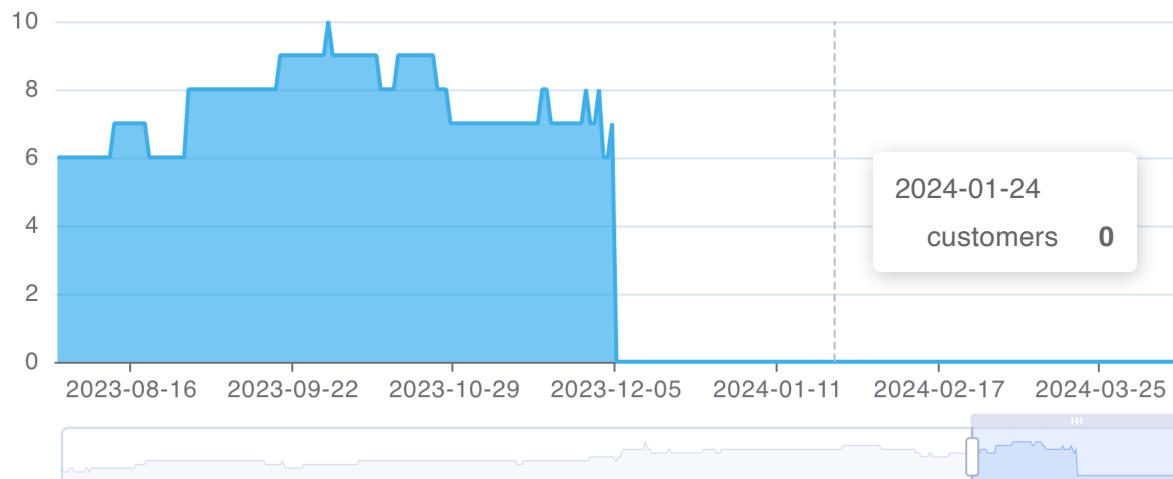
Check out AS   EXPORT

All (0 active)   New (0)   Left (7)   Unstable (3)

Country	AS number	AS name	Active now	History
🇩🇪	AS212513	STELZL-AS	—	☰
🇬🇧	AS213349	OCTOSEC-AS	—	☰
🇺🇸	AS32526	CATALYSTCLOUD	—	☰
🇳🇱	AS35133	HYBULA	—	☰
🇧🇪	AS199865	Clubnode	—	☰
🇺🇸	AS400799	PUFFERFISH-STUDIOS	—	☰

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	AS400758	CORTAVIS	—	☰
	AS210697	SOMETHINGHOST	—	☰
	AS399838	VITALGAMENETWORK	—	☰
	AS213360	PANDA-AS	—	☰

Solution

Ratings

API

Learn

Blog

Czech Republic, Prague:

Růžová 1416/17, Nové Město, 110 00 Praha 1

+420 602 558 144

mail@qrator.cz

Media contacts

press@qrator.net

Privacy policy

Solution   Ratings   API   Learn   Blog

AS30456

COSMIC-GLOBAL

578th place in IPv4 score rating

📈 Since last day: **+11** position(s)

446th place in IPv6 score rating

📉 Since last day: **-2** position(s)

Overview	
Graph	
Whois	
IPv4 Connectivity	⌄
BGP Neighbors	⌄
Providers	3
Customers	26
Peerings	4
Unspecified	9
Prefixes	15
IPv6 Connectivity	⌄
BGP Neighbors	⌄
Providers	2
Customers	5
Peerings	2
Unspecified	0
Prefixes	2
Internet Exchanges	3
Security issues	⌄
Route Leaks	1
Hijacks	0
Bogons	0
Routing Loops	99
Vulnerable Ports	187
DDoS amplifiers	9

AS30456 > IPv4 Connectivity > BGP Neighbors > Customers   📅 25 AUG 2023 — 11 APR 2024

IPv4 customers

⤓

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Solution   Ratings   API   Learn   Blog
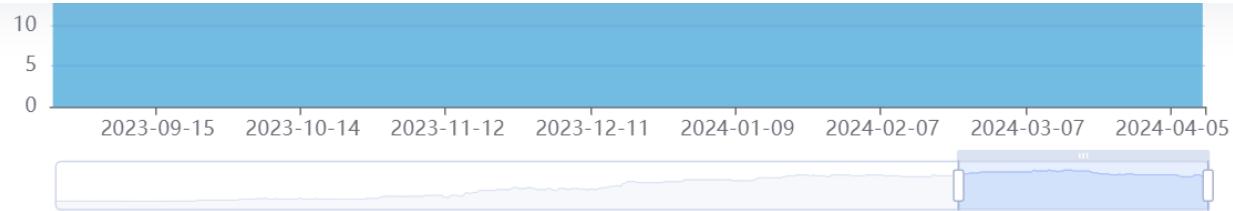
| Check out AS | | | | EXPORT |

All (26 active)   New (3)   Left (8)   Unstable (3)

Country	AS number	AS name	Active now	History
🇳🇱	AS215370	WASABI-AS	✓	☰
🇬🇧	AS200636	PARAVIRT	✓	☰
🇺🇸	AS400810	BREEZETECH	✓	☰
🇬🇧	AS213349	OCTOSEC-AS	✓	☰
🇬🇧	AS204928	bonsai	✓	☰
🇬🇧	AS198990	PINEHOST-NET	✓	☰
🇺🇸	AS206286	ONEOF1SERVERS	✓	☰
🇨🇦	AS400724	EZPNET	✓	☰
🇬🇧	AS212027	PebbleHost	✓	☰
🇬🇧	AS60841	BERRYBYTE	✓	☰

‹ **1** 2 3 4 ›

Solution   Ratings   API   Learn   Blog

Ratings

API

Learn

Blog

Czech Republic, Prague:

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mail@qrator.cz

Media contacts

press@qrator.net

Privacy policy

EXHIBIT F

bgp.tools

Login

Start here...

View

Edit
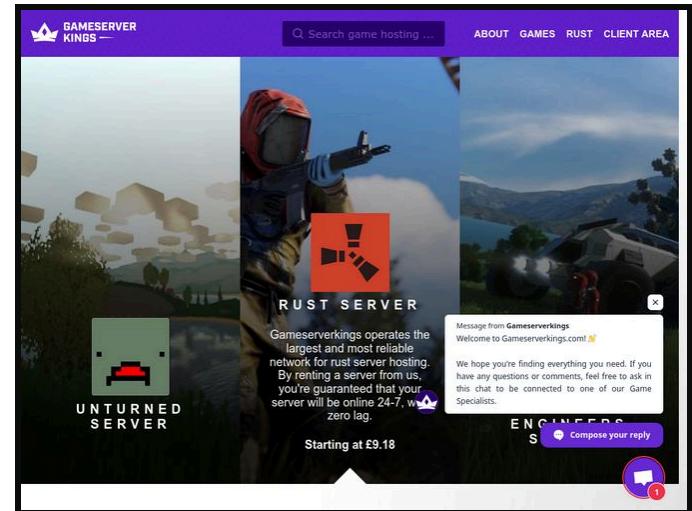
Gameserverkings

AS Number **26863**

Website **https://www.gameserverkings.com**

Overview | **Prefixes** | **Connectivity** | **Whois**

Prefixes Originated

18 IPv4, 0 IPv6

Addresses Originated

15 /24's of IPv4

0 /48's of IPv6

Prefix	Description
🇺🇸 🔒 **64.40.8.0/24**	Gameserverkings

🇺🇸	🔒	64.40.9.0/24	Gameserverkings
🇺🇸	🔒	104.129.132.0/24	Gameserverkings
🇺🇸	🔒	104.129.133.0/24	Gameserverkings
🇺🇸	🔒	104.143.2.0/24	Gameserverkings
🇺🇸	🔒	168.100.160.0/24	Gameserverkings
🇺🇸	🔒	168.100.162.0/24	Gameserverkings
🇺🇸	🔒	168.100.163.0/24	Gameserverkings
🇺🇸	🔒	195.60.167.0/24	Gameserverkings
🇺🇸	🔒	208.52.152.0/24	Gameserverkings
🇺🇸	🔒	208.52.153.0/24	Gameserverkings
🇺🇸	✔	216.39.240.0/24	Gameserverkings
🇺🇸	🔒	64.40.8.0/23	Gameserverkings
🇺🇸	🔒	104.129.132.0/23	Gameserverkings
🇺🇸	🔒	104.143.3.0/24	Gameserverkings
🇺🇸	🔒	104.238.229.0/24	Gameserverkings
🇺🇸	🔒	168.100.161.0/24	Gameserverkings
🇺🇸	🔒	208.52.152.0/23	Gameserverkings

Scripting/API   Credits   Pricing   Contact Us   Issue Tracker   Contribute Data

EXHIBIT G

Get an attacker's point of view: unveil your digital footprint   Request Access

ST   🔍   K   ⌄

104.238.229.110 reverse IP lookup ❓   IP Neighbors ›

| Search in Domain   🔍 |

| 1 - 4 of 4 results |

Domain
us.rustreborn.gg
rustreborn.us
pvp.rustreborn.gg
reborn.icedhost.com

EXHIBIT H

104780674_1

BATTLE   Home   Servers   Players   Premium   RCON

Servers / Search

Search

Search ❓	Game ❓	Server Status
" 208.52.153.37"	All Games	✖ ✱ ✔

Players		Max Distance		Countries	OR NOT
0	to ∞	∞	km	Countries	

Show Advanced Filters

Search

Results

Sort:	Order:
	Ascending

Rank   Name   Players   Address   Location

Stranded Survival Server Migrated 208.52.153.37:28039

Status: dead
Map: StrandedSurvivalv2.3.8
PVE: False

#12637   0/50   168.100.160.15:25571   🇺🇸 3146 km

Oxidized 5x - NoBps |MyMini|Kits|Clans| Just Wiped

Status: dead
Map: Procedural Map
PVE: False

#12167   0/20   208.52.153.37:28020   🇺🇸 1408 km

Rank   **Name**   **Players**   Address   **Location**

Rusted Life PVE   #12788   0/40

Status: dead
Map: Procedural Map
PVE: False

208.52.153.37:28019   🇺🇸 1408 km

[US] Sailor's PVE Retreat Island   #1771   1/40

Map: Procedural Map
PVE: False

208.52.153.37:28024   🇺🇸 1408 km

Sanctuary PvE   #1026   12/60

Map: Procedural Map
PVE: False

208.52.153.37:28015   🇺🇸 1408 km

Sailor's Isle Test Server   #19204   0/40

Status: dead
Map: Procedural Map
PVE: False

208.52.153.37:28038   🇺🇸 1408 km

Zombie Land Test 2   #5916   0/20

Map: Custom Map
PVE: False

208.52.153.37:28016   🇺🇸 1408 km

(Previous)   (Next)

Contact Us   Add Server   Privacy Policy   Terms of Service   Refund Policy

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